

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

June 27, 2011

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **June 27, 2011**, at 8:27 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlnknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; Ms. Elizabeth Cannon, and Ms. Catherine Windham, Acting Clerk of Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman Daniel Davis called the meeting to order.

APPROVAL OF MINUTES

Chairman Daniel Davis asked for approval of minutes from a Public Hearing for Bill No. 11-04 and a Regular Meeting of Council held May 23, 2011.

It was moved by Council Member Schurlnknight and seconded by Council Member Steve Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Chairman Daniel Davis: "At this time we have an opportunity, as we always do prior to the business of Council, to have public discussion on any items on the agenda. I have a few people, I think, that have signed up. If you would like to address Council on an agenda item, please step forward, and again, the same rules apply. State your name and address, and we ask that you limit your comments to three minutes. Is there anyone who wishes to address Council?"

Mr. Truman Metts: "Thank you very much. My name is Truman Metts. I live at 512 Division Street here in Moncks Corner, South Carolina. I have two basic questions to ask

Council about the budget item 11-16, one that I've discussed with, maybe, three Council people right in these Chambers in the last few months, Mr. Schurlnknight, Mr. Pinckney and Mr. Steve Davis. And, it's a very simple question, yet, it seems to be very, very difficult for Council. Spending over forty years plus with the Federal Government, I don't – it might be interesting to ask you the most important asset for this County. I hope ya'll will say your employees, the County employees. So, the question I have first, in the budget, is there a plan to pay the State of South Carolina the two million plus dollars you owe them for employee benefits, to include their retirement, and I'm sure you won't answer that. Besides, I would not have a lot of confidence in at least five of you sitting before us. So, again, that's the question. Is that included in the budget? The second question, I saw one of the County employees last week, and we were just striking conversation, and we talked Berkeley County Government, and the employee was very scared. I made a comment about the leadership in our County, and the individual, the employee, said, *'no comment'*. So, he said, *'well, it's been awhile since we've received a raise'*. I told him, I said, *'I'll tell you what I'm gonna do for you; I'm gonna ask Council if you might get a raise in this year's budget'*. So, that's my second question. Is there a raise for the most important asset of this County Government – that is the employees? And this was a low, I'm sure, a low level paying individual I was talking to, but it's ashame that our employees who work for Council and work for the citizens of this County work in fear. And, you don't have to be a physician or an attorney or supervisor to understand what I faced last week. So, think about it if you will. Thank you very much."

Chairman Daniel Davis: "Thank you; Ms. Riney?"

Ms. Riney was not present.

Chairman Daniel Davis: "Mr. Hardesty?"

Mr. Hardesty was not present.

EXECUTIVE SESSION – none

CHAIRMAN OF COUNTY COUNCIL

Chairman Daniel Davis: "Before I begin the regular part of the agenda, I just want to point out to those of you who are here and possibly read the paper this morning regarding Cypress Gardens. I had a couple comments that folks understood that there was going to be a mill raise increase for Cypress Gardens. The article didn't say that, but there just is some confusion. But, last year, we transferred one mill that was formerly dedicated for debt service to fund Cypress Gardens, so the millage never changed, never increased. But, one mill, now, is designated for Cypress Gardens. I just wanted to point that out."

THIRD READING:

“BILL NO. 11-05, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #242-00-03-052, #242-00-03-065, #242-00-03-066 AND #242-00-03-070.”

(Colpar, Inc., as requested by T.B. Daniels)

It was moved by Council Member Steve Davis and seconded by Council Member Fish to approve Bill No. 11-05 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-06 is attached to these minutes.)

Bill No. 11-06 amended by deletion of TMS #221-00-00-137, #221-00-00-062, #221-00-00-083, #221-00-00-092 and #221-00-00-087, due to the subsequent annexation of these properties into the City of Summerville. The corrected title to this bill is, as follows:

“BILL NO. 11-06, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #221-00-00-088, #221-00-00-089, #221-00-00-145, #221-16-01-019, #221-16-01-020, #221-16-01-022 AND #221-16-01-038.”

(MeadWestvaco – Various Entities)

It was moved by Council Member Steve Davis and seconded by Council Member Fish to approve Bill No. 11-06 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-07 is attached to these minutes.)

“BILL NO. 11-07, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #162-00-01-042.”

(John Hopkins)

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to approve Bill No. 11-07 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-08 is attached to these minutes.)

“BILL NO. 11-08, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #082-00-01-076.”

(James Morrison)

It was moved by Council Member Steve Davis and seconded by Council Member Call to approve Bill No. 11-08 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-09 is attached to these minutes.)

Council Member Steve Davis: “You skipped 07.”

Chairman Daniel Davis: “Did I skip 07?”

Council Member Steve Davis: "Yeah."

Chairman Daniel Davis: "Ok; I'm sorry. Bill No. 11-07..."

Council Member Steve Davis: "Move for approval."

Council Member Schurlknight: "Second."

Chairman Daniel Davis: "We have a motion and a second. Any discussion on Bill No. 11-07?"

There was no discussion.

The motion passed a second time by unanimous voice vote of Council.

Chairman Daniel Davis: "Now, again, Bill No. 11-08..."

Council Member Pinckney: "Move for approval."

Council Member Steve Davis: "Second."

Chairman Daniel Davis: "Motion and a second. Any discussion?"

There was no discussion.

The motion passed a second time by unanimous voice vote of Council.

"BILL NO. 11-09, AN ORDINANCE ADOPTING THE 2010 COMPREHENSIVE PLAN UPDATE FOR THE COUNTY OF BERKELEY, PURSUANT TO THE STATE OF SOUTH CAROLINA COMPREHENSIVE PLANNING ENABLING ACT OF 1994."

It was moved by Council Member Cathy Davis and seconded by Council Member Steve Davis to **approve** Bill No. 11-09 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-10 is attached to these minutes.)

Bill No. 11-10 corrected in title only to read, as follows:

"BILL NO. 11-10, AN ORDINANCE TO AMEND ORDINANCE NO. 94-05-04, WHICH PROVIDED FOR THE STAGGERING TERMS OF MEMBERS OF THE SANGAREE SPECIAL TAX DISTRICT ADVISORY COMMISSION AND REPEALED AND RENDERED VOID SECTION FOUR OF ORDINANCE NO. 79-03-08, AS AMENDED BY ORDINANCE NO. 79-05-18, TO MODIFY THE MEMBERSHIP REQUIREMENTS OF THE MEMBERS OF THE ADVISORY COMMISSION."

It was moved by Council Member Cathy Davis and seconded by Council Member Callanan to **approve** Bill No. 11-10 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-11 is attached to these minutes.)

“BILL NO. 11-11, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Fish and seconded by Council Member Steve Davis to **approve** Bill No. 11-11 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-12 is attached to these minutes.)

“BILL NO. 11-12, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Callanan and seconded by Council Member Fish to **approve** Bill No. 11-12 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-13 is attached to these minutes.)

“BILL NO. 11-13, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Cathy Davis and seconded by Council Member Fish to **approve** Bill No. 11-13 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-14 is attached to these minutes.)

“BILL NO. 11-14, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Cathy Davis and seconded by Council Member Fish to **approve** Bill No. 11-14 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-15 is attached to these minutes.)

“BILL NO. 11-15, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR THE OPERATIONAL

BUDGET OF THE **BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT** WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve** Bill No 11-15 for Third Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 11-06-16 is attached to these minutes.)

“BILL NO. 11-16, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR; AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY BERKELEY COUNTY WATER AND SANITATION.”

Main Motion:

It was moved by Council Member Schurlknight and seconded by Council Member Call to **approve** Bill No. 11-16 for Third Reading.

Chairman Daniel Davis: “We have a motion and a second. Any discussion?”

Council Member Callanan: “Yes, Sir.”

Council Member Fish: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Fish.”

Council Member Fish: “Mr. Chairman, again, as I mentioned earlier in the Committee, I would make a strong recommendation, a request, that, that, because there are so many issues out there about the funding levels, for a number of issues that we just got the analysis done, a request we have a spending resolution to carry us through for one more month, and set a workshop to go over some of these items in a little more detail for a little higher comfort level of what that budget is. I would make that request.”

Chairman Daniel Davis: “Thank you, Mr. Fish; Mr. Callanan.”

Council Member Callanan: “Is that a motion? I don’t even know. Can that be a motion?”

Chairman Daniel Davis: “No; that’s not a motion.”

Council Member Callanan: "Ok."

Chairman Daniel Davis: "He just..."

Council Member Callanan: "Yeah, I'm gonna request an amendment to remove an amendment funding the open-ended purchase of iPads for Council Members without knowing cost or the technical logistics required with it until such time that those are cleared up."

Council Member Schurlknight: "Mr. Chairman, do I need to withdraw my motion so we can go ahead with Mr. Callanan's?"

Chairman Daniel Davis: "Alright, we will call for the amendment first regarding the iPads."

Council Member Schurlknight: "Alright, I withdraw."

Ms. Ewing: "Mr. Schurlknight, you don't need to. We will just treat it as a motion to amend."

Chairman Daniel Davis: "Yeah, this is a new motion."

Council Member Schurlknight: "Ok."

Ms. Ewing: "You don't need to withdraw, but Mr. Callanan's does need a second."

Council Member Cathy Davis: "I'll second that."

Council Member Fish: "Second."

Council Member Schurlknight: "Ok; thank you."

First Amendment to Main Motion:

The motion made by Council Member Callanan to **amend** Bill No. 11-16 by removing the purchase of iPads for Council Members was seconded by Council Member Cathy Davis.

Chairman Daniel Davis: "Would the 'ayes' raise their right hands, please? One, two, three, four, five, six; I believe that's a majority, so that amendment is denied."

The motion passed by a majority show of hands by Council. Council Members Callanan, Cathy Davis, Farley, Fish, Pinckney and Schurlknight voted, "Aye." Council Members Call and Steve Davis voted, "Nay."

Council Member Callanan: "And, Mr. Chairman, I have a second amendment."

Chairman Daniel Davis: "Mr. Callanan."

Second Amendment to Main Motion:

Council Member Callanan: “My second amendment is a amendment requesting that the question be – actually, I’m – is an amendment requesting that any revenues, any budgetary surplus that is a result of revenues coming in higher than projected on the budget that we’re voting on tonight, or expenditures coming in lower than the budget we’re voting on tonight, or a combination thereto, that that money be put back into the account for the 29 percent. We’re simply saying that if, if there is a budgetary surplus, that those funds would go back to the taxpayers in the form of reimbursing that 29 percent of our tax credit that we, that we lost, that was absconded.”

Chairman Daniel Davis: “Well, I’d like to make a comment before we, before we go any further with that.”

Council Member Callanan: “Ok.”

Chairman Daniel Davis: “The problem with that is that we don’t know the dollars until we audit, until we get the audit done. I think everybody is in agreement, I am in agreement, philosophically, with what you are saying, but the problem is we will not know what those dollars are until after the audit is complete. And so, I would just request that you restate it that we look at using some of that money after the accounts are audited.”

Council Member Callanan: “Well, with all due respect with regards to the one penny sales tax, we make an estimation. Sometimes, it’s a little bit high; sometimes, it’s a little bit low. Holding onto peoples’ money for in excess of a year, you know, for a – being one percent or so, I just think in this economy is not responsible. And, you know, the issue is – last year – and, this really comes up, because of that issue with that \$631,000. We raised taxes last year. You called it a transfer from debt. Well, debt was reduced, because of the rollback from the, from the reassessment. The rollback from the reassessment of debt occurs one year after the rollback from the operations. So, in actuality, it was just simply a millage increase, and that millage increase equaled about \$645,000. Now, this surplus we’re talking about is \$631,000, so – which means, we raised peoples’ taxes when we didn’t have to. And so, and what did we do with the money? We put it in the bank. We’re gonna put it in a bank account. I say we just give it back to them as quickly as humanly possible. If we’re a little bit off, we can make it up in the next year, but I don’t want to come into a situation where we raise peoples’ taxes in a severe recession unnecessarily, and then just keep the money. So, look, if, if we can, you know, if the vote wins, the vote wins. If it loses, it loses, but I say it’s the peoples’ money. If we overcharge them, which is what a budget surplus is, we need to get it back to them as quickly as possible.”

Chairman Daniel Davis: “Well, as one who is responsible for running the County, I’m not gonna let those statements go. Those are very reckless and irresponsible statements. Budget surpluses are not a result of overcharging, overtaxing. It’s simply a manner of good management. We have, we right now have nearly 10 percent of the positions in the County frozen. They are not filled. That’s where these dollars are coming from. It’s not – we didn’t raise taxes. We didn’t get those dollars illicitly as you are alleging. What we have done is we

have used good management practices and we do have extra dollars, and it has put us in a better financial situation. But, using budgeting dollars or obligating dollars that we don't know that we have, I think, would be inappropriate, and I think dangerous. Besides that, as Mr. Metts pointed out earlier, we have not done anything for our employees. If there are some dollars left over, I would like to have – once we identify those, I would like to ask Council to consider doing something for the employees, because they have not had raises.”

Council Member Callanan: “Ok; first of all, you made an allegation that I said you took illicit funds. When did I say that?”

Chairman Daniel Davis: “No; that we were, that we were...”

Council Member Callanan: “No; you said that I stated that it was illicit funds. When did I say that?”

Chairman Daniel Davis: “I’m using that; that’s what I’m saying...”

Council Member Callanan: “I find that defamatory and very unprofessional to say that I said that when I didn’t say that.”

Chairman Daniel Davis: “And, you are welcome to your opinion.”

Council Member Callanan: “Ok; I mean, this is what the problem, essentially here, is with government when, when we can’t even simply have a conversation without somebody making a defamatory accusation toward somebody. What I am simply stating is that – and you say it’s as a result of not spending money. Well listen, I live on a street where five people lost their job in the last two years. They had to actually cut their budget. They didn’t get the benefit with what Berkeley County had, which is to grow their budget every year, ok? So, that is fiscal responsibility. And, as for the employees, you know what, I have a hard time giving a raise knowing what the populous is having to deal with out there, alright? They are – people are struggling, alright? I see it every single day, alright? People are looking for jobs for a long term, and to say that, you know, we haven’t given the employees – well, they did get a cost-of-living adjustment last year. They did get two additional paid vacation days last year, as a result of the reimbursement of the furlough days, so therefore, you know, to say that we’re gonna take money from people who are struggling and give it to people who have jobs, a raise to people who have jobs, I think, that is quiescently what is wrong with government is that, that at this time of all times, we do need to buckle down, and tighten our belt, alright? Growing the budget every year is not tightening our belt, and you know, the issue what I’m stating is that I’m trying to figure out a way to get this money back to the people, rather than keeping it, alright? As I mentioned before, it’s not just the \$631,000 that’s projected. We’re also adding to our Fund Balance, you know, what could be 2.2 million dollars more of money that’s not allocated for anywhere from the Google money. This is money that’s not budgeted to be spent anywhere. Why are we keeping it when our Fund Balance is already at the level where it needs to be? You know, it’s – look, it’s not an argument where I’m trying to insult somebody. I’m simply saying this is where I stand. These are principles that I believe in government, alright? It’s called, I believe, it is fiscal conservatism/fiscal responsibility, and that’s where I think we differ, and that is why, I

think, we need put into motion that any money that comes in that's in excess of the budget goes back to the citizens. Thank you."

Council Member Pinckney: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Pinckney."

Council Member Pinckney: "I've got a question. I've been hearing a lot about GASBY. Is it 45?"

Chairman Daniel Davis: "Correct; I was getting ready to comment on that."

Council Member Pinckney: "Are we making any reservations to make sure that we've got the necessary funds to take care of that as we kick the can down the road, so-to-speak?"

Chairman Daniel Davis: "We did last year. We designated a little more than a-half-million dollars to satisfy that GASBY 45 liability that Mr. Metts was talking about. This is actually – GASBY 45 says that local governments must fund retiree medical benefits, whatever that liability is. We have already had an actuarial report or investigation. I think, our current liability is somewhere, I think, it's more than 2,000,000. I think, it's closer to 3,000,000, but our ultimate liability, if we don't change any benefits, we think, is going to be somewhere around 7,000,000. So, that's a liability we have that, that we've got to address, and I appreciate you mentioning that, because it's been very difficult to get some Members of Council to understand that, because as, you know, we want to give money back, and we want to do things with other money before we want to take care of our needs or our own liabilities. When I came into office, we had something in the neighborhood of \$12,000,000 worth of various debts out there, the Santee Cooper debt was mentioned, the Cypress Gardens debt was mentioned, we had the GASBY liability. We have been, we have been very focused on getting this County in good financial shape. Those of you who attend the meetings regularly heard our Auditor last year tell us that. And, Mr. Callanan, what I said was that I think I'm a fiscal conservative too, and I would like to get any surplus dollars that the County has, any surplus dollars. I'd like to give that back to the taxpayers. There's nothing that wins elections better than lowering taxes and giving money away, so I support that, but we have got, we have not yet taken care of the obligations that we have, GASBY 45, other outstanding debt, and until we do, I would just like to recommend that we look, that we take, we take very careful consideration of returning or giving any money back."

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "My goals never to use the funds of the people to try to win an election. I just – that's, that's distorted. What I'm simply saying is that – I'm still stunned that you said that – I'm just – what I'm simply trying to say is that we had, we met our 15 percent obligation on the fund balance, ok? Then, we added \$631,000 to it, projected, then on

top of that, we're gonna add 2.2 million dollars this year. I think that would probably cover the GASBY 45 debt."

Chairman Daniel Davis: "As I just stated, you know, that debt is going to be considerably larger than that. I think, it's in the neighborhood of 10,000,000. Kace, do you..."

Council Member Farley: "Mr. Chairman? I hope to have the recommendation on that GASBY within, by the next full Council Meeting."

Chairman Daniel Davis: "And, we can reduce that liability by making some changes, but that is a liability that is going to grow. It will continue to grow until we do something with it, so we're gonna have to continue to fund it."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, Sir, Mr. Schurlknight."

Council Member Schurlknight: "I call for the vote."

Ms. Ewing: "Has there been a second?"

Council Member Steve Davis: "What are we voting on? It's been so long of a discussion."

Chairman Daniel Davis: "Your motion did not have a second, yet."

Council Member Steve Davis: "No, it did not."

Council Member Callanan: "Mr. Fish just seconded it."

Chairman Daniel Davis: "Ok, we have a motion and second, any discussion?"

Council Member Farley: "Yes, sir; on the – can we talk about the a – since Water and Sanitation is included in this budget?"

Council Member Callanan: "This is just the amendment."

Chairman Daniel Davis: "This is voting on Mr. Callanan's amendment..."

Council Member Callanan: "This is to give the budgetary surplus back to the citizens."

Chairman Daniel Davis: "...I'll run the meeting. I'll run the meeting. This is just on Mr. Callanan's amendment. Then, if you want to discuss that after we vote on it. Is there any other discussion on the motion?"

There was no further discussion.

Chairman Daniel Davis: "Hearing none, all those in favor of the motion, please signify by raising your right hand. Ok; all those opposed, please signify by raising your right hand. Four to four, and I vote against the amendment."

The motion for a **second amendment** to the main motion **failed** to pass by a majority show of hands by Council. Council Members Callanan, Cathy Davis, Farley and Fish voted, "Aye." Council Members Call, Steve Davis, Pinckney and Schurlknight voted, "Nay." The tie vote of four (4) "Ayes" and four (4) "Nays" was broken with Chairman Daniel Davis voting, "Nay."

Council Member Fish: "Of course."

Council Member Callanan: "Ok; Mr. Chairman, since I still have the floor."

Chairman Daniel Davis: "Mr. Callanan."

Third Amendment to Main Motion:

Council Member Callanan: "I make the motion that we divide the question into two parts, one being the budget for Berkeley County Government, and the other being the budget for Berkeley County Water and Sanitation."

Council Member Fish: "I second that."

Chairman Daniel Davis: "We have a motion and a second. Any discussion?"

Council Member Steve Davis: "Would that be in violation of the ordinance that we exercise under that we pass?"

Chairman Daniel Davis: "Well, actually, I don't know how you're gonna do that. The ordinance has already been written."

Council Member Steve Davis: "That's correct."

Chairman Daniel Davis: "We're gonna have to stop, go write two ordinances..."

Council Member Steve Davis: "Yeah."

Chairman Daniel Davis: "...and bring them back, I think."

Council Member Steve Davis: "You can't do it."

Council Member Callanan: "Yeah, we can do it."

Chairman Daniel Davis: "Madame Attorney?"

Council Member Callanan: "We can just vote on it."

Council Member Steve Davis: "Well, we're gonna vote it down, hopefully."

Council Member Callanan: "That's right. You guys got the votes. You guys can do whatever you want."

Council Member Steve Davis: "That's just America."

Chairman Daniel Davis: "In order to do that, we would have to have the actual documents themselves, would we not?"

Ms. Ewing: "I would have to do some research on this. I believe that the General Fund Budget – it depends on how it's dealt with. You could probably move – you could cut one of the budgets from the current ordinance, and adopt that budget. However, we would not have a second ordinance for the other budget, so it would have to start at First Reading and move forward."

Council Member Fish: "I have last year's."

Chairman Daniel Davis: "Ok."

Ms. Ewing: "It would have to have First, Second and Third Reading, because it would be an entirely new budget, I believe, but that's just off the cuff. I don't..."

Chairman Daniel Davis: "And, before we, and before we vote on it, or have any more discussion, you know, this budget was introduced, I think, two months ago. So, I'm a little concerned that we wait until the last minute to object to something that is just really a technicality..."

Council Member Callanan: "You call it a technicality; I do not."

Chairman Daniel Davis: "Well, that's my opinion, but it is just a technicality. It has no bearing on the, on either one of the budgets just because it's combined in one ordinance. But, any other discussion before we call for the vote?"

Council Member Callanan: "I, and I..."

Council Member Fish: "Mr. Chairman?"

Council Member Callanan: "...and, I disagree..."

Chairman Daniel Davis: "Mr. Fish..."

Council Member Callanan: "...vehemently with that."

Council Member Fish: "Mr. Chairman?"

Chairman Daniel Davis: "Ok; that's, that's your choice. Mr. Fish, you have a..."

Council Member Fish: "I disagree with that. Yes, we've got the original request three months ago. We got your budget. It was called the Supervisor's budget a month ago, and requested last meeting, and Kace provided that two weeks ago that the year-to-date financials to do my analysis. So, that we've had this budget for more than a month is, in fact, an untrue statement. I don't know how, when we had the workshop, that's exactly right, the whole point is you went through the show and tell and did all the slide shows. In fact, I've got a copy of them here. There was so much information, not department by department. We didn't have time to digest, analysis that, which you have now done. That's why I would make a motion that we would delay this budget with a continuing resolution for one month and have a workshop. It's not gonna hurt the County any in terms of dollars spent. I think, it gives us more transparency as to what's going on. There's a number of questions that we have that if you are gonna take time, I'd like to take time now, if you want to, to go through line-by-line of my analysis, that somebody could analyze, explain to Council exactly why the differences, the dollars and differences."

Chairman Daniel Davis: "Well, just to clarify, Council was provided my recommended budget several months ago, and we had a workshop. We asked that if you wanted additional workshops to just let us know; we would be happy to schedule them. I've gotten no requests from anybody, so I can't read what's on everybody's mind and anticipate what, what you want. As far as the ordinance itself, that ordinance was introduced prior to tonight, and if there was an issue with having it as one combined ordinance all that needed to be said was that that was a problem, and we could have taken care of it. There is no purpose served by combining it other than just to make it simpler. I think it's confusing to people why we have two different budget ordinances, but there is no reason, there's no compelling reason for us to do it, and we don't have to do it next year. But, it is done now. Any more comments on the..."

Council Member Fish: "Mr. Chairman, you know, I mean..."

Council Member Callanan: "We have a motion and a second."

Chairman Daniel Davis: "I know, I am trying to get to your motion."

Council Member Fish: "This is dated May 25th. That's almost 31 days ago."

Ms. Smith: "Yes, Sir; that was..."

Chairman Daniel Davis: "That was the presentation. That was the workshop."

Council Member Fish: "Oh, I understand."

Chairman Daniel Davis: “But, I gave you the budgets – the budgets were given to them...”

Ms. Smith: “On Monday, May 9, 2011.”

Council Member Farley: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Farley.”

Council Member Farley: “In the Water and Sanitation Budget, is that – have ya’ll decided or anything on closing the convenience centers a day? We haven’t been notified or anything like that, and also the recycling.”

Mr. Colin Martin, Berkeley County Water and Sanitation Executive Director: “No, Sir; as I mentioned in the presentation, there’s a – the budget was written not to take that option of changing the hours on the convenience sites. You’d have to make an amendment to do that – to fund those two recycling sites. But, as it stands right now, what you have before you does not change convenience hour sites and doesn’t, therefore, does not fund those two recycling sites.”

Council Member Farley: “How about the recycling? Have we done anything with the recycling for Daniel Island and Hanahan Area?”

Mr. Martin: “We’ve just done an evaluation of it to say what it would take to fund those.”

Council Member Farley: “Well, it seems like since we’ve got a lot of money in Water and Sanitation, that it shouldn’t be that bad. Just a thought.”

Chairman Daniel Davis: “Anymore comments on this motion?”

There were no further comments.

Chairman Daniel Davis: “Alright, the motion is to split the budgets, and vote on them separately. That is the amendment proposed by Mr. Callanan. All those in favor of the motion, please raise your right hand. All opposed, please raise your right hand. And, I’ll vote to oppose it.”

Council Member Fish: “Of course.”

The motion for a **third amendment** to the main motion **failed** to pass by a majority show of hands by Council. Council Members Callanan, Cathy Davis, Farley and Fish voted, “Aye.” Council Members Call, Steve Davis, Pinckney and Schurlnknight voted, “Nay.” The tie vote of four (4) “Ayes” and four (4) “Nays” was broken with Chairman Daniel Davis voting, “Nay.”

Chairman Daniel Davis: "Ok, now, the main motion is Bill No. 11-16, an ordinance providing appropriations for the fiscal year beginning July 1, 2011 and ending June 30, 2012 for Berkeley County, and this is our budget ordinance. Do I have a motion?"

Ms. Ewing: "Mr. Chairman, before..."

Council Member Steve Davis: "With amendments, please?"

Ms. Ewing: "With amendments, but we have also, there's also been a request for clarification regarding the iPad issue, because of the way the motion was worded. It is my understanding and please, correct me if I'm wrong, that that provision for the iPads has been removed from the budget."

Council Member Schurlknight: "Right."

Chairman Daniel Davis: "That's my understanding."

Council Member Steve Davis: "That's correct."

Ms. Ewing: "Thank you."

Council Member Steve Davis: "I make my motion in reference to Bill No. 11-16, with all the amendments that were made in Committee to move forward with it."

Council Member Schurlknight: "Second."

Chairman Daniel Davis: "We have a motion and a second. Any discussion?"

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "With all amendments, with the exception of the one that was cancelled."

Council Member Steve Davis: "It was voted down, so I just took – I mean, it was apparent..."

Council Member Callanan: "You put the word Committee in there, and that brings it back into play."

Council Member Steve Davis: "Well, I'll amend my motion to include all amendments except dealing with the iPad issue that was..."

Council Member Callanan: "Thank you."

Council Member Steve Davis: "...voted on. Thank you."

Council Member Callanan: "And, my other question is this. On the fee issue with regards to stormwater fees, have, have we – this year's General Fund Budget, have we been using any funds to fund any sort of stormwater management?"

Chairman Daniel Davis: "Well, previously, it was paid – any stormwater management that we had, the costs that were occurred, had been paid for out of the General Fund..."

Council Member Callanan: "Ok; do we have any idea how much that might have been?"

Chairman Daniel Davis: "You mean, to-date, from the..."

Council Member Callanan: "No; I'm talking about just the last fiscal year."

Chairman Daniel Davis: "Oh."

Ms. Smith: "The current, the current fiscal..."

Council Member Callanan: "Yeah; current fiscal year; I'm sorry."

Ms. Smith: "Ok; \$67,910.00 has been budgeted. We don't anticipate all that being needed."

Council Member Callanan: "Ok; so, we haven't spent that so far this year? Alright; I just wanted to..."

Ms. Smith: "Not the \$67,000.00; no, Sir."

Council Member Callanan: "Ok; alright; so, I just wanted to know how much we were spending this fiscal year on that, so I can have a basis to compare it to next fiscal year with the increased services."

Chairman Daniel Davis: "Any other questions, discussion?"

There was no further discussion.

Chairman Daniel Davis: "If not, then all in favor of 11-16, please raise your right hand. All those opposed same sign, and I'll vote to approve the budget."

Amended Motion Now Becomes Main Motion:

The motion to **approve Bill No. 11-16** for Third Reading, as amended, by removing the purchase of iPads for Council Members passed by a majority show of hands by Council. Council Members Call, Steve Davis, Pinckney and Schurlknight voted, "Aye." Council Members Callanan, Cathy Davis, Farley and Fish voted, "Nay." The tie vote of four (4) "Ayes"

and four (4) “Nays” was broken with Chairman Daniel Davis voting, “Aye.” (*A copy of Ordinance No. 11-06-17 is attached to these minutes.*)

“**BILL NO. 11-17, AN ORDINANCE TO AMEND ORDINANCE NO. 10-07-20, ADOPTED JULY 26, 2010 TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2010-2011 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS RELATING THERETO.**”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve** Bill No. 11-17 for Third Reading. The motion passed by unanimous voice vote of Council.

“**BILL NO. 11-18, AN ORDINANCE AUTHORIZING AN EXTENSION OF THE TIME PERIOD FOR FRANKLIN C. FETTER HEALTH CLINIC, LLC, TO COMMENCE CONSTRUCTION ON TWO (2) ACRES OF LAND LOCATED IN CROSS, SOUTH CAROLINA, IDENTIFIED AS TMS #041-00-04-061, AND AUTHORIZING THE COUNTY SUPERVISOR TO EXECUTE THE NECESSARY DOCUMENTS TO EFFECTUATE SUCH EXTENSION.**”

It was moved by Council Member Farley and seconded by Council Member Steve Davis to **approve** Bill No. 11-18 for Third Reading. The motion passed by unanimous voice vote of Council.

Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to give Bills Numbered 11-20, 11-21, 11-22 and 11-23 Second Reading by one motion as a collective group.

“**BILL NO. 11-20, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #242-00-01-008, #242-00-01-066 AND #242-00-01-094.**”

(Cypress Village, LLC, and Worley Investments, LLC)

“**BILL NO. 11-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #232-16-01-001, #232-16-01-004, #232-16-01-005, #232-16-01-006, #232-16-01-007, #232-16-01-008 AND #232-16-01-009.**”

(Dean Hensley)

“BILL NO. 11-22, AN ORDINANCE APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO BERKELEY ELECTRIC COOPERATIVE ON A PORTION OF COUNTY PROPERTY KNOWN AS THE BERKELEY COUNTY AIRPORT.”

“BILL NO. 11-23, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE INCENTIVE AGREEMENTS BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND PROJECT SURGE, AND ONE OR MORE AFFILIATED OR RELATED ENTITIES, AS SPONSOR, TO PROVIDE FOR A FEE-IN-LIEU OF TAXES INCENTIVE; TO PROVIDE FOR A SPONSOR AFFILIATE; TO PROVIDE FOR THE INCLUSION OF THE PROJECT IN A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK; TO PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS; AND TO ENTER INTO ANY OTHER NECESSARY AGREEMENTS WITH THE SPONSOR AND SPONSOR AFFILIATE TO EFFECT THE INTENT OF THIS ORDINANCE; AND OTHER RELATED MATTERS.”

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve** Bills Numbered 11-20, 11-21, 11-22 and 11-23 for Second Reading. The motion passed by unanimous voice vote of Council.

Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.

FIRST READING:

“BILL NO. 11-24, AN ORDINANCE TO AUTHORIZE THE COUNTY SUPERVISOR TO EXECUTE A QUIT CLAIM DEED FROM BERKELEY COUNTY TO FOSTER CREEK VILLAGE, LLC, FOR THE PROPERTY HEREIN DESCRIBED AS A PORTION OF FOSTER CREEK ROAD.”

“BILL NO. 11-25, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #161-00-02-187, #161-00-02-189, AND PORTION OF TMS #161-00-02-031.”

(W.B. Bazzle)

“BILL NO. 11-26, AN ORDINANCE AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND PEGASUS STEEL, LLC, DYNAMIC SOLUTIONS, LLC, AND ALTON PROPERTY MANAGEMENT GROUP, LLC; AND MATTERS RELATING THERETO.”

PROCLAMATION:

“PROCLAMATION HONORING THE ACCOMPLISHMENTS OF THE 2010-2011 HANAHAN HIGH SCHOOL WRESTLING TEAM.”

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve** the proclamation honoring the accomplishments of the Hanahan High School Wrestling Team. The motion passed by unanimous voice vote of Council.

“PROCLAMATION HONORING THE ACCOMPLISHMENTS OF THE 2010-2011 HANAHAN HIGH SCHOOL GIRLS TRACK TEAM.”

It was moved by Council Member Farley and seconded by Council Member Callanan to **approve** the proclamation honoring the accomplishments of the Hanahan High School Girls Track Team. The motion passed by unanimous voice vote of Council.

“PROCLAMATION HONORING THE ACCOMPLISHMENTS OF THE 2010-2011 HANAHAN HIGH SCHOOL BOYS TRACT TEAM.”

It was moved by Council Member Farley and seconded by Council Member Callanan to **approve** the proclamation honoring the accomplishments of the Hanahan High School Boys Tract Team. The motion passed by unanimous voice vote of Council.

“PROCLAMATION DECLARING JUNE, 2011 AS MYASTHENIA GRAVIS AWARENESS MONTH.”

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve** the proclamation declaring June, 2011 as Myasthenia Gravis Awareness Month. The motion passed by unanimous voice vote of Council.

“PROCLAMATION HONORING THE BERKELEY COUNTY LIBRARY FOR 75 YEARS OF SERVICE.”

It was moved by Council Member Farley and seconded by Council Member Schurlknight to **approve** the proclamation honoring the Berkeley County Library for 75 years of service.”

REPORTS FROM STANDING COMMITTEES:

**Committee on Finance
Council Member, Mr. Jack H. Schurlknight, Chairman**

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night, and all the matters had been addressed on this night’s agenda.”

(That concluded Chairman Schurlknight’s report.)

Resolution taken out of original order Agenda:

RESOLUTION:

Ms. Windham: “Mr. Chairman, we have a resolution that needs to be approved.”

Chairman Daniel Davis: “Ok; which one is that?”

Ms. Windham: “Pegasus.”

Council Member Farley: “Pegasus.”

Chairman Daniel Davis: “Do you have it?”

“RESOLUTION PROVIDING THAT UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL ENTER INTO AN AGREEMENT, PURSUANT TO TITLE 12, CHAPTER 44, OF THE CODE OF LAWS OF SOUTH CAROLINA WITH PEGASUS STEEL, LLC, DYNAMIC SOLUTIONS, LLC, AND ALTON PROPERTY MANAGEMENT GROUP, LLC.”

It was moved by Council Member Schurlknight and seconded by Farley to **approve** the resolution providing an agreement between Berkeley County, Pegasus Steel, LLC, Dynamic Solutions, LLC, and Alton Property Management Group, LLC. The motion passed by unanimous voice vote of Council.

RETURN TO REPORTS FROM STANDING COMMITTEES:

Committee on Land Use

Council Member, Mr. Phillip Farley, Chairman

Chairman Farley: “Mr. Chairman, the Committee on Land Use met on June 13th, and all the matters before the Committee have been addressed this evening.”

(That concluded Chairman Farley’s report.)

Committee on Public Works and Purchasing

Council Member, Mr. Caldwell Pinckney, Jr., Chairman

Chairman Pinckney: “Mr. Chairman, the Committee on Public Works and Purchasing met on June 13th, and many of the matters were addressed on that night’s agenda.”

a. Establishing a Storm Water Utility

Chairman Pinckney: “The Committee was given a presentation by Mr. Joe Freshner about Wolbert Inc., on establishing a stormwater utility.”

b. Purchase of Meter Boxes

Chairman Pinckney: “On recommendation of the Committee, I move to **approve Southern Utility** for the vendor for the meter boxes (for the period of July 1, 2011 to June 30, 2012).” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Pinckney’s report.)

Committee on Justice and Public Safety
Council Member, Steve C. Davis, Chairman

Chairman Steve Davis: “Mr. Chairman, the Committee on Justice and Public Safety met on June 13th. At this meeting, there was discussion with Mayor Heitzler to remove 432 Terrill Road and 460 Fox Hunt Road from the Goose Creek Rural Fire District Zone and into a contract with the City of Goose Creek Fire Department fire protection. No action was taken.”

(That concluded Chairman Steve Davis’ report.)

Committee on Water and Sanitation
Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call: “Mr. Chairman, the Committee on Water and Sanitation met on March 13, 2011.”

Grievance Committee Nominees

Chairman Call: “On recommendation of the Committee, I move to approve the Grievance Committee nominees Wendy Weaver and Jerry Crolley to the Grievance Committee of Water and Sanitation.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call’s report.)

Committee on Planning and Development
Council Member, Mrs. Cathy S. Davis, Chairman

Chairman Cathy Davis: “Mr. Chairman, the Committee on Planning and Development met on June 13th. All matters before the Committee have been addressed on this night’s agenda.”

(That concluded Chairman Cathy Davis' report.)

Committee on Community Services
Council Member, Mr. Timothy J. Callanan, Chairman

Chairman Callanan: "Mr. Chairman, the Committee on Community Services met on June 13th and earlier this night. Several of the matters before the Committee have been addressed earlier. Ms. Barbara Flynn from Tricounty Link and Mr. William Hutto gave a community outreach presentation. No action was taken."

(That concluded Chairman Callanan's report.)

Committee on Human Services
Council Member, Mr. Dennis L. Fish, Chairman

Chairman Fish: "Mr. Chairman, the Committee on Human Services met on June 13th. Ms. Leah Polk from the Kennedy Center will give her presentation the next Human Resources Meeting."

(That concluded Chairman Fish's report.)

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Chairman Daniel Davis: "At this time, we have an opportunity for any appointments. I hope all of you got the memo by way of COG regarding the Trident Workforce Investment Board. We have two seats to fill. We actually have three seats to fill. One is an automatic appointment for the most part, but still needs to be acted on by Council. But, we have a number of – we have two positions, and we need to fill those."

Council Member Pinckney: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Pinckney."

Council Member Pinckney: "I'd like to recommend Mr. Joe Franklin. He is with TBC, and that's one of the largest distribution centers we have in these United States of America, and I think he would be an asset on that board."

Chairman Daniel Davis: "Alright. We have the nomination of Mr. Joe Franklin. Any others?"

There were no others.

Chairman Daniel Davis: "If I could, I'd like – because I was contacted by this individual, Mary Ann Wagner. She's the Plant Manager for Welded to Berkeley. And, one of the things

that she expressed was that they are a user. They use Trident Workforce, and I think, probably, Mr. Franklin does also.”

Council Member Pinckney: “Yeah; he does; they do.”

Chairman Daniel Davis: “So, I would...”

Council Member Call: “So move.”

Chairman Daniel Davis: “...recommend them. Any other?”

It was moved by Council Member Call and seconded by Council Member Schurlknight to approve the nominations of Mr. Joe Franklin and Ms. Mary Ann Wagner as appointments to the Trident Workforce Investment Board, and the re-appointment of Mr. Skip Goddow to same board. The motion passed by unanimous voice vote of Council.

Chairman Daniel Davis: “And, I’d also like to – we had the presentation by Link tonight. I serve on that board and Chip Boling has served. I would like to ask that – and that’s a working board, they meet at lunch, and most of the folks that are on that board are from Charleston County, Dorchester and administrative-types. I’d like to ask that you – Council appoint Kace Smith as a replacement for Chip.”

It was moved by Council Member Pinckney and seconded by Council Member Call to approve the nomination of Ms. Kace Smith, to replace Mr. Chip Boling serving on the RTMA. The motion passed by unanimous voice vote of Council.

Chairman Daniel Davis: “Were there any other nominations that anyone had?”

There were no further nominations.

CORRESPONDENCE – none

UNFINISHED BUSINESS – none

NEW BUSINESS – none

ANNOUNCEMENTS

The July 2011 Regular Meeting of Berkeley County Council will be held on Monday, July 25, 2011, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to **adjourn** the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 9:11 p.m., for the execution of documents by Council.

PUBLIC DISCUSSION – none

S/Catherine Windham
Acting Clerk of Council

July 25, 2011
Date Approved

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, June 27, 2011**, following the meetings of any scheduled Committees at **6:02 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Public Hearing: 11-04
Regular Council Meeting

May 23, 2011
May 23, 2011

PUBLIC DISCUSSION - Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

- 1. Bill No. 11-05, an ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Colpar, Inc.**, requested by **T. B. Daniels**, located at the end of Diplomat Lane adjacent to I-26 near the College Park Road Interchange, Ladson, **Portion of TMS #242-00-03-052 & TMS #242-00-03-065, 066, -070** (6.3 +/- Total Acres), from **R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 5.
[Recommended by Committee on Land Use]
- 2. Bill No. 11-06, an ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco-Various Entities**, located in the general vicinity of Rose Drive and Turtle Pond Road along Highway 17A, Summerville, **TMS #221-00-00-137, -062, -083, -092, -087, -088, -089, -145 & 221-16-**

01-019, -020, -022, -038 (49 +/- Acres) from **PDMU, Planned Development Mixed Use District & R-1, Single Family Residential District** to **PDMU, Planned Development Mixed Use District**. Council District No. 4.

[Recommended by Committee on Land Use]

3. **Bill No. 11-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Hopkins**, 1531 Highway 52, Moncks Corner, **TMS #162-00-01-042** (6.75 Acres) from **GC, General Commercial District** to **R-1, Single Family Residential District**. Council District No. 8.

[Recommended by Committee on Land Use]

4. **Bill No. 11-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **James Morrison**, 1833 Highway 6, Pinopolis, **Portion of TMS #082-00-01-076** (0.22 Acres) from **Flex-1, Agricultural District** to **GC, General Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use]

5. **Bill No. 11-09**, an **ordinance** adopting the **2010 Comprehensive Plan update** for the County of Berkeley, pursuant to the State of South Carolina Comprehensive Planning Enabling Act of 1994.

[Recommended by Committee on Planning and Development]

6. **Bill No. 11-10**, an **ordinance** to amend the language of **Ordinance No. 79-3-08**, as amended, by requiring a **residency** requirement of all **Sangaree Advisory Committee Members**.

[Recommended by Committee on Finance]

7. **Bill No. 11-11**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Devon Forest Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

8. **Bill No. 11-12**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Pimlico Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

9. **Bill No. 11-13**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Sangaree Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

10. **Bill No. 11-14**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the **Tall Pines Special Tax District** operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.
[Recommended by Committee on Finance]
11. **Bill No. 11-15**, an **ordinance** providing for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for the operational budget of the **Berkeley County Special Fire Tax District** within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.
[Recommended by Committee on Finance]
12. **Bill No. 11-16**, an **ordinance** providing appropriations for the fiscal year beginning **July 1, 2011, and ending June 30, 2012**, for **Berkeley County**; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year; and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by **Berkeley County Water and Sanitation**.
[Recommended by Committee on Finance]
13. **Bill No. 11-17**, an **ordinance** to **amend Ordinance No. 10-07-20** adopted July 26, 2010, to provide for **supplemental appropriations** and allocations thereof within the 2010-2011 budget for **Berkeley County**; and other matters relating thereto.
[Recommended by Committee on Finance]
14. **Bill No. 11-18**, an **ordinance** authorizing an **extension of the time** period for **Franklin C. Fetter Family Health Clinic, LLC**, to commence construction on two (2) acres of land located in Cross, South Carolina, identified as **TMS #041-00-04-061**, and authorizing the county supervisor to execute the necessary documents to effectuate such extension.
[Recommended by Committee on Land Use]

SECOND READING:

1. **Bill No. 11-20**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Cypress Village LLC & Worley Investments LLC**, located at 679 Treeland Drive, Ladson, **Portion of TMS #242-00-01-008, -066, -094** (2.04 +/- Acres), from **R-5, Multi-family Residential District & OI, Office Institutional District & Flex-1, Agricultural District** to **GC, General Commercial District**. Council District No. 5.
[Recommended by Committee on Land Use]

2. **Bill No. 11-21**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dean Hensley**, located at 210 & 216 Cember Way, Summerville, **TMS #232-16-01-001, 232-16-01-004, -005, -006, -007, -008, -009**, (9.76 +/- Total Acres) from **GC, General Commercial District to LI, Light Industrial District**. Council District No. 4.
[Recommended by Committee on Land Use]
3. **Bill No. 11-22**, an **ordinance** approving and authorizing the grant of a **utility easement** to **Berkeley Electric Cooperative** on a portion of County property known as the **Berkeley County Airport**.
[Recommended by Committee on Community Services]
4. **Bill No. 11-23**, an **ordinance** authorizing the execution and delivery of one or more incentive agreements by and among Berkeley County, South Carolina, and **Project Surge**, and one or more affiliated or related entities, as sponsor, to provide for a **fee in lieu of taxes** incentive; to provide for a sponsor affiliate; to provide for the inclusion of the project in a multi-county business or industrial park; to provide for special source revenue credits; and to enter into any other necessary agreements with the sponsor and sponsor affiliate to effect the intent of this ordinance; and other related matters.
[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 11-24**, an **ordinance** to authorize the County Supervisor to execute a **quit claim deed** from Berkeley County to **Foster Creek Village, LLC**, for the property herein described as a portion of Foster Creek Road.
2. **Bill No. 11-25**, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **W. B. Bazzle**, located on 211 Maplewood Road, Moncks Corner, **TMS #161-00-02-187, -189, Portion of TMS #161-00-02-031** (7 +/- Acres) from **Flex-1, Agricultural District to LI, Light Industrial District**. Council District No. 6.
3. **Bill No. 11-26**, an **ordinance** authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Berkeley County, South Carolina and **Pegasus Steel, LLC, Dynamic Solutions, LLC** and **Alton Property Management Group, LLC**; and matters relating thereto.

PROCLAMATION:

- A. **Proclamation** honoring the accomplishments of the **2010-2011 Hanahan High School Wrestling Team**.
- B. **Proclamation** honoring the accomplishments of the **2010-2011 Hanahan High School Girls Track Team**.

- C. Proclamation** honoring the accomplishments of the **2010-2011 Hanahan High School Boys Tract Team.**
- D. Proclamation** declaring June, 2011 as **Myasthenia Gravis Awareness Month.**
- E. Proclamation** honoring the **Berkeley County Library** for 75 years of service.

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance.**
Council Member, Mr. Jack H. Schurlknight, Chairman.
- 2. Committee on Land Use.**
Council Member, Mr. Phillip Farley, Chairman.
- 3. Committee on Public Works and Purchasing.**
Council Member, Mr. Caldwell Pinckney, Jr., Chairman.
 - a. Establishing a Storm Water Utility.
 - b. Purchase of meter boxes.
- 4. Committee on Justice and Public Safety.**
Council Member, Mr. Steve C. Davis, Chairman.
- 5. Committee on Water and Sanitation.**
Council Member, Mr. Robert O. Call, Jr., Chairman.
 - a. Grievance Committee Nominees.
- 6. Committee on Planning and Development.**
Council Member, Mrs. Cathy S. Davis, Chairman.
- 7. Committee on Community Services.**
Council Member, Mr. Timothy J. Callanan, Chairman.
- 8. Committee on Human Services.**
Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

CHARLESTON REGIONAL DEVELOPMENT ALLIANCE

CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS

DEVON FOREST

LIBRARY BOARD

MENTAL HEALTH BOARD

ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE JULY 2011, REGULAR MEETING OF BERKELEY COUNTY COUNCIL, WILL BE HELD ON MONDAY JULY 25, 2011, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND ANY SCHEDULED COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

June 22, 2011
S/Catherine R. Windham
Acting Clerk of County Council

ADDENDUM

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY, June 27, 2011**, following the meetings of any scheduled Committees at **6:02 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

ADD:

RESOLUTION:

1. **Resolution** providing that under certain conditions, Berkeley County will enter into an agreement pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina with **Pegasus Steel, LLC, Dynamic Solutions LLC and Alton Property Management Group LLC.**

June 23, 2011
S/Catherine R. Windham
Acting Clerk of County Council